

XAVIER BECERRA
Attorney General of California
WILLIAM C. KWONG
Supervising Deputy Attorney General
ALLISON M. LOW
Deputy Attorney General
State Bar No. 273202
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3589
Fax: (415) 703-5843
E-mail: Allison.Low@doj.ca.gov
Attorneys for Defendant
J. Clawson

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SHIKEB SADDOZAI,

Plaintiff,

v.

RON DAVIS, et al.,

Defendants.

Case No. 5:18-cv-05558-BLF (PR)

**DEFENDANT’S OPPOSITION TO
PLAINTIFF’S MOTION FOR
EXTENSION OF TIME TO FILE A
SURREPLY**

Defendant opposes Plaintiff’s request for an extension of time to file a surreply further opposing Defendant’s motion to dismiss. (ECF No. 45.)

Defendant filed a motion to dismiss on March 13, 20120. (ECF No. 32.) After requesting extensions of time (ECF Nos. 33, 37), Plaintiff filed an opposition brief on May 11, 2020 (ECF No. 42) and Defendant filed a reply brief on May 13, 2020 (ECF No. 44).

Now, Plaintiff moves for an extension of time to reopen the briefing. But, supplemental briefing is prohibited by the Court’s Local Rules where, as here, no new evidence has been submitted in reply. Civ. L. R. 7-3(d); *see also Edwards v. Mondora*, 700 Fed.Appx. 661, 664 (9th Cir. 2017) (affirming denial of a motion to file a surreply because the movant “did not identify in

1 his motion the new arguments he alleges defendants raised or why such arguments would justify
2 granting leave to file a surreply”).¹

3 Defendant’s motion is fully briefed and ready for decision. Defendant requests the Court
4 deny Plaintiff’s requested extension and strike any improper supplemental material he attempts to
5 file.

6 Dated: May 28, 2020

Respectfully submitted,

7 XAVIER BECERRA
8 Attorney General of California
9 WILLIAM C. KWONG
Supervising Deputy Attorney General

10 */s/ Allison M. Low*

11 ALLISON M. LOW
12 Deputy Attorney General
Attorneys for Defendant

13 SF2020200485
14 42207058.docx

15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹ Defense counsel will concurrently serve this legal authority on Plaintiff.

CERTIFICATE OF SERVICE

Case Name: S. Saddozai v. Davis, et al.

Case No. 5:18-cv-05558-BLF (PR)

I hereby certify that on May 29, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE A SURREPLY

Additionally, I have served but not filed the following documents:

- *U.S. District Court, Northern District of California Civil Local Rules – Table of Contents & Rule 7*
- *Edwards v. Mondora, 700 Fed.Appx. 661 (9th Cir. 2017)*

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On May 29, 2020, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Shikeb Saddozai (AY1590)
California State Prison - Corcoran
P.O. Box 3461
Corcoran, CA 93212
In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 29, 2020, at San Francisco, California.

G. Pang

Declarant

/s/ G. Pang

Signature